

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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ABRAHAM KLEINMAN, and COHEN BRAFFITS
ESTATES DEVELOPMENT LLC,

Adv. Pro. No.: 15-08359-rdd

Plaintiffs,

- against -

ZOHAR COHEN a/k/a ZOHAR ABIKZER,
THOMAS W. WILLIAMS,

Defendants.
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ORDER GRANTING PLAINTIFF'S MOTION FOR REMAND

Upon the motion (the "Motion") of the plaintiffs herein, by their counsel, Kantrowitz, Goldhamer & Graifman, P.C., for an order remanding this adversary proceeding or granting alternative relief in the form of abstention; and there being due and sufficient notice of the Motion; and upon the objection thereto of the defendants herein, by their counsel, Duane Morris LLP, and the plaintiff's reply and all other pleadings filed in connection with the Motion; and upon the record of the hearing held by the Court on the Motion on February 3, 2016, at which Barry S. Kantrowitz, Esq. appeared for the plaintiffs, Amanda Bassen, Esq. and Ralph J. Carter, Esq. appeared for defendant Zohar Cohen, and Gregory Blue, Esq. appeared for defendant Thomas Williams; and, after due deliberation and for the reasons stated by the Court in its bench ruling at the hearing, the Court having found and concluded that the Motion should be granted on the separate alternative grounds set forth herein; and good and sufficient cause appearing, it is hereby

ORDERED that the Motion is granted as set forth herein; and it is further

ORDERED that this case is remanded to state court pursuant to 28 U.S.C. § 1447(c) for

lack of this Court's post-confirmation subject matter jurisdiction, there being no close nexus to the interpretation or implementation of the chapter 11 plan of the debtor, Braffits Creek Estates, LLC or the order confirming such plan; and it is further

ORDERED that, additionally or alternatively, this case is remanded to the state court in the Court's discretion on equitable grounds pursuant to 28 U.S.C. § 1452(b); and it is further

ORDERED that, additionally or alternatively, this case is remanded to the state court based on mandatory abstention pursuant to 28 U.S.C. § 1334(c)(2); and it is further

ORDERED that, additionally or alternatively, this case is remanded to the state court based on to equitable abstention pursuant to 28 U.S.C. § 1334(c)(1).

Dated: February 17, 2016
White Plains, New York

/s/Robert D. Drain
HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE